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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,231	06/19/2001	Richard E. Auerbach	1039-68477	5169

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[REDACTED] EXAMINER

TUGBANG, ANTHONY D

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3729

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,231

Applicant(s)

AUERBACH ET AL.

Examiner

Dexter Tugbang

Art Unit

3729

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 October 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) 20,21 and 23 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5,18 and 19 is/are rejected.
- 7) Claim(s) 6-17 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other:

DETAILED ACTION

Election/Restrictions

1. The applicants' amendment filed 10/1/02 (Paper No. 9) has been fully considered and made of record.

Election/Restriction

2. Claims 20, 21 and 23 continue to stand as being withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Claim Objections

3. Claim 2 is objected to because of the following informalities: the recitation of "the moving coil" (line 5) should be replaced with –a moving coil--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Publication EP 0369434, referred to hereinafter as EP'434.

EP'434 discloses a method of making a moving coil transducer comprising: selecting a cloth 1 from which the spider is to be woven; wrapping a selected thread 3 with an electrical conductor 2; and weaving the wrapped thread in the cloth (shown in Fig. 5A).

Regarding Claim 2, EP'434 suggests that the cloth is formed into a spider (damper), which is incorporated into a moving coil transducer or loudspeaker assembly (see col. 1, lines 15+).

Regarding Claim 3, the claimed "float" is broadly read as the portion of the wrapped thread 3 that extends above the conductor 2 and cloth 2 (shown in Fig. 5B).

Regarding Claims 4 and 5, EP'434 further teaches wrapping multiple conductors and multiple threads and twisting the multiple wrapped threads (shown in either Figs. 7A and 7B).

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Publication EP 0479317, referred to hereinafter as EP'317.

EP'317 discloses a method of making a moving coil transducer comprising: selecting a cloth 1F from which the spider is to be woven; wrapping a selected thread H with an electrical conductor 2H; and weaving the wrapped thread in the cloth (shown in Fig. 9).

Regarding Claim 2, EP'317 suggests that the cloth is formed into a spider, which is incorporated into a moving coil transducer or loudspeaker assembly (see Fig. 6).

Regarding Claim 3, the claimed "float" is read as the portions of the wrapped thread 2c exposed above or overshooting the cloth (shown in Fig. 9).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 18/2/1, 18/3/2/1 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP'434 in view of Japanese Patent Publication JP 5-85196, referred to hereinafter as JP'196.

EP'434 teaches the use of a conductive adhesive, but that a conductive adhesive may be disadvantageous (see col. 7, lines 30+).

JP'196 teaches that use of a conductive adhesive for the specific purpose of electrically connecting wrapped threads to conductive leads (see p. 25 of English Translation).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of EP'196 by including the step of applying a conductive adhesive, as taught by JP'196, to positively electrically connect the wrapped threads to conductive leads in the moving coil transducer.

Response to Arguments

9. Applicant's arguments filed 10/1/02 (Paper No. 9) have been fully considered but they are not persuasive.

In regards to the merits of EP'434, the applicants rely upon certain passages (pages 5-7 of the amendment filed 10/1/02) from the EP'434 reference to dispute the 102 rejection of EP'434.

Upon reading these passages, the applicants conclude that is clear that EP'434 does not meet all of the limitations of Claims 1-5. However, the examiner most respectfully disagrees. After careful consideration of the passages recited by the applicants in the EP'434 reference, the examiner maintains the position that it is clear that EP'434 fully satisfies all of the limitations of Claims 1-5 for the reasons stated in the above rejection and that the passages recited even further support the examiner's position.

In regards to the merits of EP'317, the applicants explanation of EP'317 (pages 9-10 of the amendment filed 10/1/02) indicates that EP'317 does not anticipate all of the limitations of Claims 1-3. Again, the examiner's position is that the applicants' explanation further supports that EP'317 reads on all of the limitations of Claims 1-3 for the reasons stated in the above rejection.

In response to the applicants' arguments that JP'196 is not combinable with EP'434 because if any modification to the prior art is to be made, the teachings of JP'196 must be considered as a whole. In this case, the teachings of JP'196 was considered as a whole because both JP'196 and EP'434 share the problems associated with manufacturing moving coil transducers. The subject matter as a whole embraces the structure of a moving coil transducer, its properties, and the problem it solves. *In re Wright*, 6 USPQ2d 1959 (Fed. Cir. 1988).

Allowable Subject Matter

10. Claims 6-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dexter Tugbang whose telephone number is 703-308-7599. The examiner can normally be reached on Monday - Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3588 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

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Dexter Tugbang
Examiner
Art Unit 3729

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December 14, 2002